

DANIEL G. BOGDEN  
United States Attorney  
District of Nevada  
ANDREW W. DUNCAN  
CRISTINA D. SILVA  
Assistant United States Attorneys  
333 Las Vegas Boulevard South  
Suite 5000  
Las Vegas, Nevada 89101  
702-388-6336 (phone)  
702-388-6280 (fax)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:13-cr-00250-JAD-VCF
Plaintiff,	)	
	)	STIPULATION TO CONTINUE
vs.	)	EVIDENTIARY HEARING (Third
	)	Request)
ROBERT KANE, et al.,	)	
	)	
Defendant.	)	

---

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney; Andrew W. Duncan and Cristina Silva, Assistant United States Attorneys, counsel for the United States of America, and Assistant Federal Public Defender Raquel Lazo, counsel for defendant Carr; C. Jennifer Waldo, Esq. counsel for defendant Coleman; Michael R. Pandullo, Esq., counsel for defendant Panter; Brent Percival, Esq., counsel for defendant Congero, Thomas Pitaro, Esq., counsel for defendant Kane; and Terrence M. Jackson, Esq., counsel for defendant McNamara:

...

1            THAT THE EVIDENTIARY HEARING CURRENTLY SCHEDULED FOR  
2            October 27, 2015 be vacated and set to a time convenient for the Court, no earlier than  
3            60 days.

4            1. On October 19, 2015, Counsel for Defendant Robert Coleman filed a  
5            motion to withdraw as counsel. Doc. # 178. On October 21, 2015, that motion was  
6            granted, in part, and as a result new counsel was appointed for Defendant Coleman.  
7            Additional time is needed for new counsel to become familiar with the case and  
8            prepare for the evidentiary hearing in this matter.

9            2. Further, counsel for the Government, AUSA Andrew Duncan, is set to go  
10           to trial in *United States v. Brian Wright, et al.* (2:14-cr-00357-APG-VCF) beginning  
11           November 16, 2015. Co-Counsel, AUSA Cristina Silva, is set to begin trial in *United*  
12           *States v. Wetselaar, et al.* (2:11-cr-00347-KJD-CWH) on November 30, 2015. Both  
13           trials are expected to at least two weeks.

14           2. The parties agree to the continuance.

15           3. All of the defendants are out of custody and do not object to the  
16           continuance.

17           4. Additionally, denial of this request for continuance could result in a  
18           miscarriage of justice.

19           ...

20           ...

21           ...

22           ...

23           ...

24           ...

1           5. This is the third request for continue the evidentiary hearing.

2           DATED this 23rd day of October, 2015.

3                                   DANIEL G. BOGDEN  
4                                   United States Attorney

5                                   /s/  
6                                   ANDREW W. DUNCAN  
7                                   CRISTINA D. SILVA  
8                                   Assistant United States Attorney

9                   /s/  
10                  JENNIFER WALDO, ESQ.  
11                  Counsel for Defendant Coleman

12                   /s/  
13                  RAQUEL LAZO, ESQ.  
14                  Assistant Federal Public Defender  
15                  Counsel for Defendant Carr

16                   /s/  
17                  MICHAEL PANDULLO, ESQ.  
18                  Counsel for Defendant Panter

19                   /s/  
20                  BRENT PERCIVAL, ESQ.  
21                  Counsel for Defendant Congero

22                   /s/  
23                  THOMAS PITARO, ESQ.  
24                  Counsel for Defendant Kane

                  /s/  
TERRENCE JACKSON, ESQ.  
Counsel for Defendant McNamara

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                                   **-oOo-**

4                   UNITED STATES OF AMERICA,

5                                   Plaintiff,

6                                   vs.

7                   ROBERT KANE, et al.,

8                                   Defendant.

) Case No.: 2:13-cr-00250-JAD-VCF

) ORDER

9                                   **FINDINGS OF FACT**

10                   Based on the pending Stipulation of counsel, and good cause appearing  
11                   therefore, the Court finds that:

12                                   1. On October 19, 2015, Counsel for Defendant Robert Coleman filed a  
13                                   motion to withdraw as counsel. Doc. # 178. On October 21, 2015, that motion was  
14                                   granted, in part, and as a result new counsel was appointed for Defendant Coleman.  
15                                   Additional time is needed for new counsel to become familiar with the case and  
16                                   prepare for the evidentiary hearing in this matter.

17                                   2. Further, counsel for the Government, AUSA Andrew Duncan, is set to go  
18                                   to trial in *United States v. Brian Wright, et al.* (2:14-cr-00357-APG-VCF) beginning  
19                                   November 16, 2015. Co-Counsel, AUSA Cristina Silva, is set to begin trial in *United*  
20                                   *States v. Wetselaar, et al.* (2:11-cr-00347-KJD-CWH) on November 30, 2015. Both  
21                                   trials are expected to at least two weeks.

22                                   2. The parties agree to the continuance.

23                                   3. All of the defendants are out of custody and do not object to the  
24

1 continuance.

2 4. Additionally, denial of this request for continuance could result in a  
3 miscarriage of justice.

4 5. This is the third request for continue the evidentiary hearing.

5 ORDER

6 IT IS ORDERED that the evidentiary hearing scheduled for October 27, 2015 be  
7 vacated and continued to Wednesday, January 6, 2016, at 9:00 a.m.

8  
9 DATED this 26th day of October, 2015.

10   
11 JENNIFER A. DORSEY  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24